Previous references.

File No. 4 – 09

1909.

Serial Nos. 1–6

(Legislation)

Later references.

P-24

GENERAL AND REVENUE SECRETARIA'

Serial Nos. 1–6

Part B. for November 1909

SUBJECT.

Judgment in Cr: Appeal no. 35 of 1908-09 on the file of the Court of the District Magistrate Chitaldrug, re the use of false weights and measures.

Table of contents

1 From the District Magistrate, Chitaldroog No 42 & 3-8-09
Forwards a copy of judgment in Crim. Appeal case No 35 of 08-9 on the file of his court and also a parcel of seers referred to in the judgment

2. To the Supdt central jail, Bangalore No 6330 & 27-8-09
Forwards the measures received with Sl. 1 and requests him to report on the noticiable differences in capacity with explanation

P. T. O

3 From the same officer, No 116 & 31st Aug 1909

In reply to the above, points all the differences observed by him when a certain quantity of ragi was measured out of the standard jail seers and those forwarded from this office

4 To the Superindent Central Jail, Bangalore
No. J 826 & 20th Sep 09

Enquires whether the measures in question were manufactured in central jail and if so to explain the cause of the differences observed in their capacity

5 From the same officer, No 150/m & 21-9-09

In reply to Sl. 4, states that by a careful comparison of the formation & size of the inscribed letters, he is of opinion that the measures in question were not prepared in the Central jail

6 To the Dt Magte, chitaldroog, other Dt Magtes & the Supdt Central jail, & the D.I.G of Police in Mysore No. J 1026-35 & 1st oct 09.

Forwards for information and necessary action copies of Sls 1 & 5

G.R.S.11] 1909—10

GENERAL AND REVENUE SECRETARIAT

(Legislation

NOTES.

File No. 4—09

FILE HEADING

Judgment in Bro: Appeal Case No 35 of 1908-09 on the file of the Court of the Dist: Magistrate Chitaldrug re: the use of false weights and measures.

From

The District Magistrate Chitaldrug

No. 42 Dated 3 8 09 Received 5 8 09

Diary No. J 357 | Enclos. 1 & seers Spare Copies Secrt separately | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a copy of Judgment in Bro: Appeal Case No 35 of 1908-09 on the file of his Court and also a parcel of seers referred to in the Judgment.

NOTES AND ORDERS.

A reference from Rev. Dept in the subject of Seers used in the Kolar Fields is with the Board Secretary, Rev Dept.
MP
13.8.09

Submitted with a copy each of the Govt Proc No 2812-21/Lj. 7 178-92 dt 18th Aug 92, The Mysore Weights and Measures Regulation 1902 and the draft Rules proposed to be issued under the Regulation for orders.

MP
13.8.09

SW
18/8/09

Note
The seers have been kept back
SW
18/8/09

Notes—First sheet

GPB—30,000—3-4-07.

G. R. S. 12]
General and Revenue
Secretariat.

Legn File No. 4 of 1909

Serial No.

Please see me in the Secretariat tomorrow

13/8/09 SH

Leg

The judgment of the District Magistrate shows that there are various Seers in the market labelled "Myme Government Seer" but not conforming any uniform standard. The Seers ~~sent~~ may be sent up to the Supt of Central Jail for a report ~~as to~~ on the difference noticed with explanation.

14/8/09 SH

1654

1st & 2nd Cy

15/8/09

19/8/09

Draft SH 17/8/09

Legn is herewith Draft submitted for approval

MCS SN 20.8.09. 20/8/09

21/8/09 SH

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

2. To the Superintendent of the Central Jail, Bangalore, No. J. 6308, 27.8.09
Forwards the measures received with Sl. 1 and requests him to report on the noticeable differences in capacity with explanation.

3. From the Same officer No. 116 of 31st Aug 09.
In reply to the above, points out the differences observed when a certain quantity of ragi was measured out of the standard Jail Seers and those forwarded from this office.
Submitted for orders.

Dr. J. SW
3/9/09

All the measures are Short measures.

The Supt does not State whether the measures are genuine ones that is, whether they were manufactured in the Central Jail.

7/9/09 SW

1st C/10 The seers purported to have
2nd C/ been manufactured in the Central Jail. If this is

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

the Case, Supdt should explain the deficiencies in the capacity of the measu

Photographs Enquiry

2/Legis/09.

Draft is herewith submitted.

10.9.09.

4 To the Superintendent of the Central Jail, Bangalore, No. J 826 d/ 20th Sep: 09.

Enquires whether the measures in question were manufactured in Central Jail and if so, requests him to explain the cause for the differences observed in their capacity.

5 From the same officer, No. 150/m, d/ 21st Sep: 09.

In reply to Sl. 4, States that by a careful comparison of the formation and size of the inscriba

NOTE—Contn. sheet

GPB—50.000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

Legs File No. 4 of 1909-10

Serial No.

letters, he is of opinion that the measures in question were not prepared in the Central Jail — Submitted for orders

Dr. S.N. 22.9.09 23-9-09

Copy of the Supt's letter may be forwarded to the D.M. (with the Less) for such action as he may deem proper

23/9/09 Sd

Asst Sr

Apparently Counterfeit measures purporting to have been manufactured in the Bangalore Central Jail are in use in the Districts. Attention of the Distt Magistrates may be called to this circ. Copy of the Jail Supdt's letter may be forwarded to them.

23.9.09

VRN 23/9/09

Put up draft circ

23/9 Sd

Legs 23/9

NOTE—Contn. sheet.

GPB—50.000—1

G. R. S. 12]
General and Revenue Secretariat.

Legs File No. 4 of 1904-11

Serial No. 13) Submitted with a draft for approval or other orders.
Mtl SN
24.9.09.

17) Issue
27/9/09
28/9

Legs
Please return the Secretariat papers with
already issued.
SN
28/9/09

The Secs were returned to the Dist. Magistrate Mtl

B Rec 14/9/09

16) To the Dist Magistrate, Chitaldrug, the other Dist Magistrates, the Supdt, Central Jail, Bangalore, the Dy of Police in Mysore No J 1026-35 dt 1st Oct 09

Yrs for information and necessary action copies of Sls 1 & 5

GPB—50,000—13-5-08

1574 C/ 1909 /357

From The District Magistrate
Chittagong District

To The Secretary to the Govt
Hon'ble the Maharaja of Nazim
al and Revenue Department
Bengal

Dated 3rd
Despatched
Received
General No. 42
No.

Enclosure No. / + Cover Len
separately

Forwarding copy of Judgmen
in criminal appeal no: 35 of
1908-09.

No 42
Cvl

District Magistrate's Office
Chitaldrug. 3rd August 09.

Legs 4-09
Sl 1

From
A Srinivasa Rao, Esqre
District Magistrate
Chitaldrug District.

To R S Chandrasekhara Aiyer, Esq BA, BL
Secretary to the Government of
H. H. The Maharaja of Mysore
General & Revenue Departments
Bangalore.

Sir,

I submitting herewith for information copy of Judgment, Criminal Appeal Case No 35 of 1908-09 on the file of this Court, I have the honor to forward in a separate parcel the Pleas referred to in the Judgment as required therein.

I have the honor to be
Sir
your most obedient Servant
A Srinivasa Rao
District Magistrate
Chitaldrug District

16

2

In the Court of the District Magistrate,
Chilaw District

Chilaw 10th May 1909

Present M Chinnapathy Esq B.A
District Magistrate

Petition of criminal appeal in criminal case no 35/08-09 against the conviction and sentence given by the Arachchi and 2nd Class Magistrate, Chilaw in Criminal case No. 53 of 08-09

Appellant
Salabanna
of Doddaweddavanka
Chilaw Palat
by Mr C
Chinnathambiah B.A
Advocate

Judgment

The appellant was charged for fraudulently using a false measure in the Chilaw market and thence punishable under section 265 P.C. The Magistrate found him guilty of the said offence and sentenced him to pay a fine of Rs 50/- or in default to suffer rigorous imprisonment for a fortnight.

2. The grounds of appeal presented on the 15th of April 1909 are as follows

(1) That the appellant has, in good faith, used the Government seer Art. No 1 and the prosecution has not established beyond doubt that he acted fraudulently

(2) That from the evidence of the prosecution it is quite clear that the several Government seers were in the market ... [illegible] ... vary with one another ... under such circumstance furnish a reason, why happens to innocent seer may, one day ... [illegible]

(3) That the quantity by which the Art. No 1 is said to have been less is very very small, and the difference might probably be due to the ingenuity in measuring

(5) That this case clearly falls under Section 19 I.P.C as the abbreviated has used an no 1 seer [illegible] ... as it is a true Govt seer under section 9.5 I.P.C as the difference in article No 1 is very small

(6) That the lower Court has erred in the appreciation of evidence

(7) That the punishment is very severe and (8) that the judgment of the lower court is against law, weight of evidence and probabilities of the case -

3 In this case the accused was convicted for using false measure under section 265 I.P.C and sentenced to pay fifty rupees fine

4. In the Taluk of Chellakere, the accused was selling Navane in a seer which bears the stamp "Government of Mysore 1 Seer 1898" The Police seized the seer and produced it before the Magistrate with a Charge sheet stating that this seer was less than the seer kept in the Police office by 1/5th of a Pavu. This seer bears the stamp "Government of Mysore - 1 Seer 1893" The Magistrate sent for other seers stamped Government of Mysore 1895 and 1896.

5 Thus the Court examined the seers of 1893, 1895, 1896 and 1898 and found them to disagree The Magistrate says in his Judgment that unfortunately there is a slight disagreement between some of the measures produced before the court, although all of them are stamped Government of Mysore but as the measure produced by the accused measures less than all of them, he suspects that the accused has tampered with the genuine measure by reducing the dimensions

He further states that there are some marks on the seer which make him think that the dimensions have been cut short. But I am unable to find any such marks to indicate that it has been tampered with. One Venkappa admits that this seer was sold by him to the accused's father two or three months previous.

6 From the above facts, it will be seen that the accused has not used it to seer with any fraudulent intention. He purchased a seer bearing the stamp of Mysore and used it in the same. If it is found to be less when compared with other seers which are supposed to be standard seers which themselves do not agree, I do not understand why the Court should presume that the accused tampered with this measure. He may have dealt by it in all innocence. The mistake may have taken place when this measure was manufactured.

7 I therefore admit the appeal petition and set aside the finding and sentence of the lower court and direct that the fine be refunded if already paid.

(Sd) M Cavenagh
Judicial Magistrate

The measures of 1893 1895 1896 and 1898 are

will be forwarded to Government pointing out the differences for such action as they deem necessary.

sd) M Cheyanchelli-
District Magistrate

"O/S"

~~4/4/47~~

District Magistrate
Chittagong District

Contract of sers.

G.R.S. 26

7

Legis File No. 4-09
Serial No. 2

Diary No. of letter replied to 4357.

No. 1630
Legis 4-09-2.

General and Revenue Secretariat
(Legis)
, *the* 190

To
The Superintendent of
Central Jail, Bangalore

Date of issue 27th August '09

Signed by Mr. C.S. Balasundaram Iyer.

Has the honour to forward herewith measures of 1893, 1895, 1896 & 1898 ~~received from the Dist Magistrate, Chitaldrug Dist~~ referred to in Crim: Appeal case No. 35 of 1908-09 on the file of the Court of the Dist. Magistrate of Chitaldrug Dist and to request him to be so good as to report, at an early date, on the differences noticeable in capacity on the revision

(6 in all, including ~~two~~ seers, one half-a-seer and one quarter of a seer, all marked with the "Govern-mei

By order
Yr. Secretary
over.

MOJ SN
20.8.09.
SUBJECT. 20/8/09

20/8/09

No. 9587/8 dtd: 116 Regis: one packet of 6 iron measures

II 4214 8

9587

Central Jail Bangalore
31st August 1909

Regis 4-09
Sl: 3

From

The Superintendent
Central Jail
Bangalore.

To

The Secretary to the Govt. of His Highness
the Maharajah of Mysore —
General and Revenue Depts.
Bangalore.

Sir,

In Reply to your No: P. 630 / Regis 4-09-2 dated
27th August 1909, I have the honor to state as
follows:-

Twenty five measures (Seers) of Ragi were
measured out of our standard Jail measure
(Seer) and this quantity as measured by the
iron seers sent with your docket under Reply
showed the following results.

A. 26 3/4 Seers + 3/4 th Chatak
B. 26 1/2 Seers + 1/2 a Chatak
C. 26 1/4 Seers + 1/2 a Chatak
D. 25 1/2 Seers minus 1/2 a Chatak

Similarly 25 half measures (Seers) of Ragi from our
standard 1/2 Seer was measured
The half seer sent with your docket showed it was
Short by 1/4 th Seer + 1/16 th.
The 1/4 Seer measure was less by 1/8 th + 1/32 nd Seer or
5/32 nds of a seer.

I have the honor to be
Sir
your most Obdt. Servant

J. V. Anthony Stokes

Supdt. Central Jail Bangalore

RM.

9

G.R.S. 26]

Legis File No. 4-09

Serial No. 4.

Diary No. of letter replied to J 587

No J 826
Legs 4-09

General and Revenue Secretariat
(Legs)
, *the* 190

To The Superintendent of the Central Jail, Bangalo

Date of issue 20-9-09

Signed by Mr. S. Hiriyannaya

His letter no. 1168 the 31st Aug. 09 ~~showing certain~~ regarding differences in capacity between the standard seer and those forwarded to him with this office docket No. J 6309/Legis 4-09-2 of the 27th Aug. 09.

With reference to the above has the honour to enquire whether the measures (here in question with again forwarded) were manufactured in Central Jail and if so, to request him to be so good as to

over.

SUBJECT.

the Course
explan. for the differences 10
observed

By order

For Secretary

Dr. A. J. SW
10-9-09.

List of enclosures

Copied by AD 10/11

Examined by SW

GPB—10,000—20-4-05.

Jail Regs Rule 150 Sec

11

J 768

Central Jail Bangalore
21st September 1909

Legs 4-09
Sl 5

From

The Superintendent
Central Jail
Bangalore.

To

The Secretary to the Government of His
Highness the Maharajah of Mysore
Genl and Rev: Dept
Bangalore.

Sir,

In Reply to your No: J 826 dated
20th September 1909, I have the honor to sta-
that by a careful Comparison of the forma
and Size of the inscribed letters, I am of
opinion that the measures in question we
not prepared in this Jail.

I have the honor to be

Sir
Your most obedient Servant

J. J. Aubrey Maclean

Superintendent Central
Jail Bangalore.

Encl

G.R.S. 28]

Legs File No. 4-09

Serial No.

Diary No. of letter replied to J 768

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Legis)

, *the* 190

Date of issue

Press copy.
Signed by (Signed) K. S. Chandra-sekhara Iyer.

READ.—

Letter no. 42 d. the 3rd Aug. 09 from the Dist. Magistrate Chitaldrug, forwarding a copy of his Judgment in Criminal Appeal Case no. 35 of 1908—09 and the measures referred to

ORDER THEREON.—No.

therein. [Here enter the judgment

2) Correspondence ending with letter no. 150 d. 21st Sep. 09 from the Superintendent, Central Jail Bangalore stating that ~~[illegible]~~ of the [illegible] over

Papers under d-7

SUBJECT

~~of the~~ ~~receipts recorded~~
~~at the measures in question~~,
he is of opinion that the
measures in question were not
prepared in the Central Jail
[Here enter the Supdt's letter
Order thereon:-

copies of the foregoing J 1026-35 / Legis 4-09. S.1-10-2
letters are forwarded to
the Dist. Magistrates for in-
and necessary action
nation with the remark
that Counterfeit measures
purporting to have been ma
manufactured in the Central
in use bearing the Stam
of the Govt. of Mysore, has
as impressed by the said
Jail are apparently in use
in several Districts. The
attention of the Dist. Magis
is invited to this circumstance
and the ~~are requested to take~~
detection and
necessary steps for the des-
truction of such spurious
measures.

The Superintendent of Chittaldrug
Returning the measures;
The other Dist Magistrates;
The Superintendent Central Jail, Bangalore
The Superintendent of Police, Mysore.

4.9.09 [illegible] Secretary

Proceedings of the Government of His Highness the Maharaja of Mysore,

READ—

Letter No. 42, dated the 3rd August 1909, from the District Magistrate, Chitaldrug, forwarding a copy of his judgment in Criminal Appeal Case No. 35 of 1908-09 and the measures referred to therein :-

(Enclosure.)

IN THE COURT OF THE DISTRICT MAGISTRATE, CHITALDRUG DISTRICT.

Dated 10th May 1909.

Present—M. Chengiah Chetty, Esq., B.A., District Magistrate.

Petition of Criminal Appeal in Criminal Case No. 35—08-09, against the conviction and sentence given by the Amildar and 2nd Class Magistrate, Challakere, in Criminal Case No. 53 of 1908-09, (Appellant Salabanna of Doddasiddavvanahalli, Chitaldrug Taluk. by Mr. C. Channakesavaiya, B.A., Advocate.)

Judgment.

1. The appellant was charged for fraudulently using a false measure in the Challakere market, an offence punishable under Section 265, Indian Penal Code. The Magistrate found him guilty of the said offence and sentenced him to pay a fine of Rs. 50 or in default to suffer rigorous imprisonment for a fortnight.

2. The grounds of appeal presented on the 15th April 1909, are as follows:—

(1) That the appellant has in good faith used the Government seer, Article No. 1, and the prosecution has not established beyond doubt that he acted fraudulently.

(2) That from the evidence of the prosecution, it is quite clear that the several Government seers used in one market do not exactly tally with one another.

(3) That under such circumstances it is not just to punish a person who happens to innocently use any one of them.

(4) That the quantity by which the Article No. 1 is said to have been less is very small, and the difference might be probably due to the ingenuity in measuring.

(5) That this case clearly falls under Section 79, Indian Penal Code, as the appellant has used Article No. 1 under *bonâ fide* belief that it is a true Government seer and under Section 95, Indian Penal Code, as the deficiency in Article No. 1 is very small.

(6) That the Lower Court has erred in the appreciation of evidence.

(7) That the punishment is very severe. And

(8) That the judgment of the Lower Court is against law, weight of evidence and the probabilities of the case.

3. In this case the accused was convicted for using false measure under Section 265, Indian Penal Code, and sentenced to pay Rs. 50 fine.

4. In the sante at Challakere, the accused was selling Havane in a seer which bears the stamp 'Government of Mysore, 1 seer, 1898.' The Police seized this seer and produced it before the Magistrate with a charge sheet stating that this seer was less than the seer kept in the Police Office by $\frac{1}{5}$th of a pavu. This seer bears the stamp 'Government of Mysore, 1 seer, 1893.' The Magistrate sent for other seers stamped Government of Mysore. 1895 and 1896.

5. Thus the Court examined the seers of 1893, 1895, 1896 and 1898 and found them to disagree. The Magistrate says in his judgment that unfortunately there is a slight disagreement between some of the measures produced before the Court although all of them are stamped Government of Mysore, but as the measure produced by the accused measures less than all of them, he suspects that the accused has tampered with the genuine measure by reducing the dimensions. He further states that there are some marks on the seer which make him think that the dimensions have been cut short. But I am unable to find any such marks to indicate that it has been tampered with. One Venkappa admits that this seer was sold by him to the accused's father two or three months previously.

6. From the above facts, it will be seen that the accused has not used this seer with any fraudulent intention. He purchased a seer bearing the stamp of Mysore and used it in the sante. If it is found to be less when compared with other seers which are supposed to be standard seers, which themselves do not agree, I do not understand why the Court should presume that the accused tampered with this measure. He may have come by it in all innocence. The mistake may have taken place when this measure was manufactured.

Judicial and Legislative (Legislation), dated 1st October 1909.

7. I therefore admit the appeal petition and set aside the finding and sentence of the Lower Court and direct that the fine be refunded, if already paid.

Note.—The measures of 1893, 1895, 1896 and 1898 will be forwarded to Government pointing out the differences, for such action as they deem necessary."

M. CHENGIAH CHETTY,
District Magistrate

2. Correspondence ending with letter No. 150, dated 21st September 1909, from the Superintendent, Central Jail, Bangalore.

" In reply to your No. J. 826, dated 20th September 1909, I have the honor to state that by a careful comparison of the formation and size of the inscribed letters, I am of opinion that the measures in question were not prepared in this Jail."

No. J. 1026-35—Legis. 4-09, dated Bangalore, 1st October 1909.

Order thereon.—Copies of the foregoing are forwarded to the District Magistrates for information and necessary action, with the remark that counterfeit measures purporting to have been manufactured in the Central Jail and bearing the stamp of the Government of Mysore as impressed by the said Jail are apparently in use in several districts.

K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The District Magistrate of Chitaldrug, returning the measure.
The other District Magistrates.
The Superintendent, Central Jail, Bangalore.
The Inspector-General of Police in Mysore.

1909-10

GOVERNMENT OF HIS HIGHNESS
THE MAHARÁJA OF MYSORE

JUDICIAL AND LEGISLATIVE
(LEGISLATIVE)

PROCEEDINGS

ated 1st October 1909

No. J. 1026-35
Legis. 4-09

Forwarding copies of the judgment
Criminal Appeal Case No. 35 of 1908-09
the file of the District Magistrate,
taldrug District, and letter No. 150 of
t September 1909, from the Superin-
dent, Central Jail, Bangalore, for infor-
ion and necessary action to the
trict Magistrates.

GPB—14-01-09 300